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THE CITY OF NEW YORK
LAW DEPARTMENT
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May 25, 2023

BY ECF

Honorable George B. Daniels
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Peter Rodriguez v. C.O. Bradshaw
20 Civ. 11045 (GBD) (SDA)

Your Honor:

I am a Senior Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel for the City of New York, and attorney for the defendant C.O. Bradshaw in the above-referenced matter. The defendant respectfully requests that the Court (1) compel plaintiff to produce his portion of the joint pre-trial order ("JPTO") to the defendant by a date certain, (2) grant an extension of time to file the JPTO twenty-one (21) days after the deadline the Court sets for plaintiff's portion of the JPTO to be produced to the defendant, (3) adjourn the June 7, 2023 pre-trial conference to a date shortly after the deadline for the submission of the JPTO, and (4) convert the pretrial conference to a telephone conference due to plaintiff's current incarceration status at Five Points Correctional Facility. This is the first request of this kind. The undersigned was unable to expeditiously confer with plaintiff concerning these requests due to his incarceration status, and has not directly heard back from plaintiff since mailing a letter on May 4, 2023 for plaintiff's portion of the JPTO.¹

¹ On May 24, 2023, in the late afternoon, the undersigned received an email from Jimmy Taylor of the New York Legal Assistance Group, who claimed to have spoken to plaintiff about a "joint letter." Mr. Taylor indicated that plaintiff wished to speak to the undersigned concerning the case and it would take approximately seventy-two (72) hours to set up a legal call at Five Points Correctional Facility. The undersigned will make attempts to set up a legal call with plaintiff, however, the relief requested herein remains the same as the plaintiff will still have to produce his portion of the JPTO to the defendant. The defendant submits this extension letter at this time because, if the undersigned were to wait seventy-two (72) hours to set up a call with plaintiff and subsequently submit this letter, the

By way of background, on April 19, 2023, the Court ordered the parties to submit a JPTO no later than May 31, 2023, and scheduled an in-person pre-trial conference for June 7, 2023 at 9:45 a.m. See ECF No. 112, Order, April 19, 2023. On May 4, 2023, after not hearing from plaintiff, the undersigned mailed plaintiff a letter requesting plaintiff's portion of the JPTO, listing the categories of information that are required in a JPTO pursuant to Your Honor's Individual Rules, and attached a courtesy copy of Your Honor's Individual Rules. As of the date of this letter, the defendant has not received any response directly from plaintiff. Thus, without plaintiff's portion, defendant has been unable to draft the JPTO.

Furthermore, plaintiff is currently incarcerated at Five Points Correctional Facility. The undersigned has confirmed with this facility that plaintiff can be scheduled for a Court telephone conference with advance notice. Therefore, the defendant requests that the pre-trial conference be converted to a telephone conference.

Accordingly, the defendant respectfully requests that the Court (1) compel plaintiff to produce his portion of the joint pre-trial order ("JPTO") to the defendant by a date certain, (2) grant an extension of time to file the JPTO twenty-one (21) days after the deadline the Court sets for plaintiff's portion of the JPTO to be produced to the defendant, (3) adjourn the June 7, 2023 pre-trial conference to a date shortly after the deadline for the submission of the JPTO, and (4) convert the pretrial conference to a telephone conference due to plaintiff's current incarceration status at Five Points Correctional Facility.

The defendant thanks the Court for its consideration.

Respectfully submitted,

/s/ Gregory J.O. Accarino

Gregory J.O. Accarino

Senior Counsel

Special Federal Litigation Division

cc: **By U.S. Mail:**
Peter Rodriguez (#22B2287)
Plaintiff *Pro Se*
Five Points Correctional Facility
Caller Box 400, State Route 96
Romulus, New York 14541

defendant would be in violation of this Court's individual rules concerning forty-eight (48) hours advance notice for extension requests.

DECLARATION OF SERVICE BY MAIL

I, Gregory J.O. Accarino, declare, pursuant to 28 U.S.C. § 1746, under penalty of perjury that on May 25, 2023, I served the annexed:

- May 25, 2023 Letter to the Court

upon the following Plaintiff *Pro Se* by serving copies of the same to be deposited, enclosed in a first class postpaid properly addressed wrapper, in a post office/official depository under the exclusive care and custody of the United States Postal Service, within the State of New York, directed to Plaintiff at the address set forth below, being the address designated by Plaintiff for that purpose:

Peter Rodriguez (#22B2287)
Plaintiff *Pro Se*
Five Points Correctional Facility
Caller Box 400, State Route 96
Romulus, New York 14541

Dated: New York, New York
May 25, 2023

/s/ Gregory J.O. Accarino
Gregory J.O. Accarino
Senior Counsel
Special Federal Litigation Division